

Legal Assistance Resource Center

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H.B. 5463 -- Motor Vehicle Amendments

Transportation Committee Public Hearing – March 2, 2016
Testimony of Raphael L. Podolsky and Robert Shea

<p><u>Requested Committee action:</u> ADDITION OF TWO SECTIONS</p>
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This testimony is being presented on behalf of both the Legal Assistance Resource Center of Connecticut (LARCC), which represents low-income consumers, and the Connecticut chapter of the National Association of Consumer Advocates (NACA), which represents consumers generally.

We ask that you add to this bill a clean-up amendment to P.A. 15-42 that will clarify its applicability. That statute protects motor vehicle owners from the unregulated "booting" of motor vehicles. It was our understanding last year that it was intended to authorize and regulate the booting of motor vehicles that were parked on commercial property – especially parking lots -- without authorization. It was designed to get control of scammers who would, on their own, apply a wheel-locking device to a vehicle in a parking lot, wait for the vehicle owner to return, and then demand payment to remove the boot.

The wording of the bill, however, suggests in several places that it authorizes the use of booting in repossessions of motor vehicles (which is both inappropriate and in conflict with the repossession procedure in the Retail Installment Sales Financing Act) and on non-commercial privately owned sites, which raises other policy issues. It is our understanding that it was not intended to authorize booting in those situations. The bill was a late "strike-all" amendment at the end of the 2015 session, and there was no time to fully vet its precise language at that time. We believe that the attached proposed language would conform the bill to its sponsor's intended scope. The most important change is to delete the phrase "or (2) for the purpose of repossession of the motor vehicle by a lending institution" in subsection (a) of Section 14-145a. We have attached a draft of proposed language. Because these are conforming changes, we believe that this is an appropriate bill into which they can be incorporated.

Proposed addition to H.B. 5463

Section x. Subsection (a) of Section 14-145 of the General Statutes is amended by adding the following as subdivision (5) (*Effective upon passage*).

(5) Nothing in this section or in sections 14-145a through 14-145d, inclusive, shall authorize the use of a wheel-locking device to render a motor vehicle immovable for the purpose of repossession, or by a private party on any site other than private commercial property.

Section y. Subsection (a) of Section 14-145a of the General Statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*).

(a) No vehicle shall be towed or removed from private property except [(1)] upon express instruction of the owner or lessee, or his or her agent, of the property upon which the vehicle is trespassing [, or (2) for the purpose of repossession of the motor vehicle by a lending institution]. No vehicle shall be rendered immovable on private property through the use of a wheel-locking device except upon express instruction of the owner or lessee, or his or her agent. Nothing in this subsection shall be construed to limit the right of a municipality or the state to remove an abandoned motor vehicle in accordance with the provisions of section 14-150.